



Appeal Decision

Site visit made on 4 May 2023

by J Hobbs MRTPI MCD BSc (hons)

an Inspector appointed by the Secretary of State

Decision date: 05 July 2023

Appeal Ref: APP/B1415/D/23/3317914

15 Priory Close, Hastings, East Sussex TN34 1UJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Ms Luscombe against the decision of Hastings Borough Council.
 - The application Ref HS/FA/22/00896, dated 15 November 2022, was refused by notice dated 23 December 2022.
 - The development proposed is demolition of existing garage and construction of new single storey side extension and new porch to existing property.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing garage and construction of new single storey side extension and new porch to existing property at 15 Priory Close, Hastings, East Sussex TN34 1UJ in accordance with the terms of the application, Ref HS/FA/22/00896, dated 15 November 2022, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - 447/PL103 rev. A
 - 447/PL114 rev. A
 - 447/PL116 rev. A
 - 447/PL117 rev. A
 - 447/PL118 rev. A
 - 447/PL201 rev. A
 - 3) The external surfaces of the development hereby permitted shall be constructed in the materials shown on drawing no. 447/PL114 rev. A and retained thereafter.

Main Issue

2. The main issue of the appeal is the effect of the proposed development on the character and appearance of the area.

Reasons

3. The appeal property is located close to the turning head of the private cul-de-sac, Priory Close. Given the topography and the siting of the appeal property and neighbouring property 16 Priory Close (No. 16), the side elevation and existing garage are prominent in the street scene but are partially screened by

- vegetation and boundary treatments. The properties along Priory Close appear to have been amended and extended over time and there is a variety of designs, including different materials, present along the road.
4. The proposed side extension would be taller than the existing garage. It would be close to the height of the eaves and would drop down to the rear of the property. It would also be set slightly forward compared to the garage but still not in line with the principal elevation of the appeal property.
 5. Whilst some properties on Priory Close have maintained large spaces between them and neighbouring properties, there are numerous examples where properties have been constructed up to or close to their side boundaries. The proposed side extension would extend closer to the boundary with No. 16 but would lead to a similar separation between the appeal property and its boundary, as other properties in Priory Close.
 6. Both parties agree that the porch would not harm the character and appearance of the area and I see no reason to disagree.
 7. Due to the surrounding topography and No. 16 being set back from the appeal property, the proposed side extension would appear relatively prominent within the street scene. Nevertheless, for the reasons given above the proposed development would not appear cramped or as overdevelopment of the site when viewed alongside other properties in Priory Close. Therefore, the prominence of the proposed development would not lead to harm.
 8. Although the use of timber cladding is not prevalent within Priory Close there is at least one other example where timber cladding is used as an external surface. Furthermore, the use of timber cladding would add visual interest to the property and would be similar to neighbouring properties, some of which incorporate render and other forms of cladding.
 9. The proposed development would not have a harmful effect on the character and appearance of the area. It would therefore comply with Policy DM1 of the Shaping Hastings, Hastings Local Plan, Development Management Plan, September 2015, which requires all proposals to reach a good standard of design by protecting and enhancing local character. It would also be in accordance with paragraphs 130 and 134 of the National Planning Policy Framework (the Framework) which advise that planning decisions should ensure that developments are sympathetic to the local character and development that is not well designed should be refused.

Other Matters

10. I note that the appeal site is located in a "Great Crested Newts District Licensing Scheme Red" area. However, given the distance from the nearest pond and lack of evidence on the presence of great crested newts within proximity of the site, there is not a reasonable likelihood of great crested newts being present.
11. Nevertheless, should great crested newts be found within the site, the relevant duty under the Conservation of Habitats and Species Regulations 2017 as amended would apply. I have also not imposed a condition reminding the appellant of their duty under the Habitat Regulations as it is not necessary.

Conditions

12. The council has indicated the conditions that it considers would be appropriate. I have considered these in light of the guidance contained within the Planning Practice Guidance and paragraph 56 of the Framework.
13. Conditions specifying a time limit to implement the permission and approved plans are required in the interest of certainty.
14. The council suggested a condition which would have required the external materials of the side extension to match the appeal property. However, the appellant's intention is to introduce different materials, and this is detailed on the application plans. For this reason, and in the interest of conserving the character and appearance of the area, a condition requiring the external surfaces of the development to be constructed in accordance with the materials shown on the plan is required.

Conclusion

15. For the reasons given above, the proposed development complies with the development plan when considered as a whole and there are no material considerations, either individually or in combination, that outweigh this.
16. Therefore, I conclude that the appeal should be allowed, and planning permission should be granted.

J Hobbs

INSPECTOR